

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

JAMES COWAN,)
)
 Plaintiff,)
)
 v.) **Case Number: CV 10-S-3409-M**
)
 RICHARD ALLEN,)
)
 Defendant.)

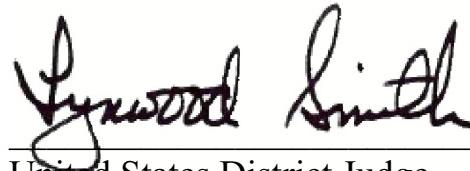
MEMORANDUM OPINION

The magistrate judge filed a report April 26, 2011, recommending that this action be dismissed without prejudice for failing to state a claim upon which relief can be granted, pursuant to under 28 U.S.C. § 1915A(b)(1), insofar as the complaint alleges the assessment of the \$3.00 co-pay is unconstitutional. The magistrate judge further recommended that the complaint be dismissed without prejudice insofar as it contains any attempt to plead a Fifth Amendment Takings Clause claim. The plaintiff filed objections to the report and recommendation on May 12, 2011.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be, and hereby is, ADOPTED, and the recommendation is ACCEPTED. Accordingly, this action is due

to be dismissed without prejudice for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). A Final Judgment will be entered.

DONE this 23rd day of August, 2011.



United States District Judge